

No. 9/5/84-6 Lab/6645.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Tractel Tirfor India Private Limited, Mathura Road, Faridabad.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 24 of 1984

between

SHRI VISHAV NATH, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S
TRACTEL TIRFOR INDIA PRIVATE LIMITED, MATHURA ROAD, FARIDABAD

Present :—None for the workman.

Shri J. S. Saroha, for the respondent-mgt.

AWARD

This industrial dispute between the workman Shri Vishav Nath workman and the respondent-management of M/s. Tractel Tirfor India Private Limited Mathura Road, Faridabad has been referred to the court by the Hon'ble Governor of Haryana,—vide his order No. ID/PD/15-84/8774-79, dated 1st March, 1984, under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are:—

Whether the termination of services of Shri Vishav Nath, was justified and in order ?
If not, to what relief is he entitled ?

Present none for the workman, Shri J. S. Saroha, representative of the management is present. Today was the last opportunity for evidence of the workman, but none has appeared for the workman. It shows that the workman is not interested to pursue the reference. Moreover, the respondent management has examined Sri Rajiv Sodhi as MW-1 who has stated that there was no relationship of employer and employee between the parties. They have produced attendance registers, wages register, BSI registers and other registers to show that the name of the claimant was never entered as employee on the record of the management. I, therefore, find that there was no relationship of employer and employee between the parties. Hence there was no question of terminating the services of the claimant. The reference is therefore, bad in law. The award is given accordingly.

Dated, the 1st August, 1985.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Encl. No. 2260 dated 1st August, 1985.

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

No. 9/5/84-6Lab./6646.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of The Haryana State Co-op. Land Development Bank Ltd., Sector 22-B, Chandigarh.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 316 of 1984

between

SHRI SUNDER PAL SINGH, WORKMAN AND THE RESPONDENT-MANAGEMENT OF
THE HARYANA STATE CO-OP. LAND DEVELOPMENT BANK LTD.,
SECTOR 22-B, CHANDIGARH

Present :—

Shri P. R. Yadav for the workman.

Shri Manphool Singh, L.O., for the respondent.

AWARD

This industrial dispute between the workman Shri Sunder Pal Singh, and the respondent-management of The Haryana State Co-op. Land Development Bank Ltd., Sector 22-B, Chandigarh has been referred to this Court, by the Hon'ble Governor of Haryana,—vide his order No. ID/GGN/26-84/32392—97, dated 29th August, 1984 under section 10 (i)(c) of the Industrial Disputes Act, 1947, for adjudication. The terms of the reference are :—

Whether the termination of services of Shri. Sunder Pal Singh was justified and in order? If not, to what relief is he entitled?

According to the claim statement, the claimant was appointed on 21st December, 1981 and his services were illegally terminated on 25th November, 1983. He has claimed reinstatement with continuity of service and with full back wages.

The management has contested this claim. It is contended that the demand notice is not in accordance with law. The demand must be raised on the management. The demand notice is premature and bad in law. The workman has not exhausted the remedy provided under the Haryana State Co-op. Land Development Bank Staff Service Rules. It is further stated that he is not a workman and drawing Rs. 1061-90 p. It is further alleged that he was appointed on probation on 8th April, 1982 for two years and hence he is not entitled to any relief.

The reference was contested on the following issues :—

1. As per reference ?

I have heard the representative of both the parties and gone through evidence on record. My findings on the issue are as under :—

Issue No. 1 :—

Objection is raised by the management that under the amended Co-operative Act this Court has no jurisdiction to try this reference. The jurisdiction of this Court has been barred and the claimant should have filed an appeal before the Registrar. Reference has been placed in section 102 of Haryana State Co-op. Society Act, in my opinion, the dispute between the workman and the management has not been barred to be referred to this Court. Hence this court has jurisdiction to try this reference. Objection is further taken that under section 4B of Haryana State Co-operative Land Development Bank Service Rules, the workman was appointed on probation for two years and hence his service could be terminated on the expiry of this period. This contention of this representative of the management has no force because compliance of provisions of section 25-F is mandatory. No rule can override the provisions of section 25-F of the I. D. Act. In the present case it is admitted by both the parties that compensation is provided under section 25-F of the I. D. Act was not offered to the workman while terminating his services.—vide letter Ex. M-5, dated 18th November, 1983. Hence the order of terminating his services is illegal and unjustified. I, therefore, give the award that he is entitled to reinstatement with continuity of service and with full back wages.

Dated the 24th July, 1985.

R.N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Endst. No. 220, dated the 1st August, 1985.

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

No. 9/5/84-6Lab/6696-A.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s. Rastogi Medical Agencies Grain Market Ambala Cantt.

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 466/1982

Between

SHRI VIKRAM KUMAR WORKMAN AND THE MANAGEMENT OF M/S RASTOGI MEDICAL AGENCIES GRAIN MARKET, AMBALA CANTT

Present :—

Shri B.S. Saini, for the workman.

None for the management.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of Section-10 of the Industrial Disputes Act 1947, the Governor of Haryana referred the following dispute between Shri Vikram Kumar workman and the management of M/s. Rastogi Medical Agencies Grain Market Ambala Cantt. to this Tribunal for adjudication:—

Whether the termination of service of Shri Vikram Kumar, was justified and in order? If not, to what relief is he entitled?

2. Notices were issued to both the parties. It may be mentioned that none appeared on behalf of the management and as such *ex parte* proceedings were ordered against them on 11th March, 1985.

3. Shri Vikram Kumar claimant has appeared as WW-1 and stated that he was appointed as Salesman in the respondent concern in June, 1979, but was turned out on 24th July, 1982, when no notice was given to him. He further stated that no enquiry was held against him and that no compensation was also paid to him. He further stated that he was working as postman in Post and Telegraph Department since 7th February, 1983 and was getting Rs 600 per month. He further stated that he remained unemployed during the period 24th July, 1982 to 6th February, 1983.

A perusal of the above evidence would show that no notice pay or compensation were given to the claimant, when his services were terminated with effect from 24th July, 1982 and as such the provisions of section 25-F of the Industrial disputes Act, 1947, have not been complied with by the Management. Consequently, the termination of services of the claimant was neither justified nor proper and as such the claimant is entitled to notice pay and compensation under section 25-F of the Industrial Disputes Act, 1947 as well as full backwages for the period 24th July, 1982 to 6th February 1983 during which period he was unemployed and the question of giving further relief does not arise because he is gainfully employed since 7th February, 1983 in Post and Telegraph Department. The award is passed accordingly.

Dated, the 3rd August, 1985.

R. N. BATRA,

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 618; dated the 3rd August, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

No. 9/5/84-6Lab/6696-B.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Swastika Metal Works, Jagadhri:—

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD.

Reference No. 1/1982

between

SHRI PHOOL SINGH WORKMAN AND THE MANAGEMENT OF M/S SWASTIKA METAL
WORKS, JAGADHRI.

Present.—

Shri Srininder Kumar Sharma for the workman.

Shri R. L. Gupta for the management.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between Shri Phool Singh workman and management of M/s Swastika Metal Works, Jagadhri to this Tribunal for adjudication :—

Whether the termination of service of Shri Phool Singh was justified and in order? If not, to what relief is he entitle. ?

2. Notices were issued to both the parties. Shri R.L. Gupta, representative of the management stated that the dispute between the workman and the management had already been settled,—vide settlement Ex.M-2, according to which the workman had been reinstated and had already resumed his duty and that no dispute was now left between the parties in term of the settlement mentioned above. Shri Surinder Kumar Sharma representative of the workman, stated that he had heard the above statement made by the representative of the management which was correct and that the dispute had already been settled as mentioned in the settlement Ex. M. 12. In view of the testimony of Shri R. L. Gupta, representative of the management and Shri Surinder Kumar Sharma, representative of workman, and recitals made in the document, Ex. M. 12, the dispute between the parties stands settled as mentioned above. The award is passed accordingly.

Dated 3rd August, 1985.

R. N. BATRA,

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 616, dated 3rd August, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

No. 9/5/81-6Lab/6597. —In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Mohindera Bhatta Company Dewli, Palwal, District Faridabad :—

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No.259/1983

between

THE MANAGEMENT OF M/S MOHINDERA BHATTA COMPANY DEWLI, PALWAL,
DISTRICT FARIDABAD AND ITS WORKMEN

Present —

None.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workmen and the management of M/s Mohindera Bhatta Company, Dewli, Palwal, District Faridabad, to this Tribunal, for adjudication :—

(1) Whether the workers are entitled to the grant of bonus at the rate 20 % for the years 1981-82 and 1982-83 ? If so, with what details ?

(2) Whether the workers should be supplied Gur @ 5 kg. per month ? If so, with what details ?

2. Notices were issued to both the parties. It may be mentioned that on the last date of hearing, none was present on behalf of both the parties even though they were represented previously, and as such, *ex parte* proceedings were ordered against both the parties. It appears that both the parties are not interested in the reference. The award is passed accordingly.

Dated the 3rd August, 1985.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 617, dated 3rd August, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9/5/84-6Lab/6726.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Bata India Ltd., Faridabad :—

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 14/1985

between

THE MANAGEMENT OF M/S BATA INDIA LTD., FARIDABAD AND ITS WORKMEN
Present :—

Shri R. C. Sharma, authorised representative along with Shri K. N. Arora, General Secretary, Bata Shoe Workers Union, Faridabad.

Shri K. B. Sakhuja, Assistant Superintendent, Personnel and Administration for the management.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the Management of M/s Bata India Ltd., Faridabad, and its workmen to this Tribunal for adjudication :—

Whether the workmen of the establishment are entitled to get some facilities in the canteen ?
If so, with what details ?

(2) Whether there is any justification to reduce the price of the articles of Fair Price Shop ?
If so, with what details ?

2. Notices were issued to both the parties. It may be mentioned that on the last date of hearing, Shri R. C. Sharma, Authorised representative of the workmen and Shri K. N. Arora, General Secretary of the Bata Shoe Workers Union, stated *inter alia* that the workmen are not interested in the reference because by getting this reference made, the respondent-management had grossly abused the process of law. Shri K. B. Sakhuja, Assistant Superintendent, Personnel and Administration stated *inter alia* that the statement made by the representatives of the workmen was wrong and denied, but if the workmen are not interested in the reference, he had no objection to the same. In view of the statements made by both the parties, it appears that the workmen are not interested in the reference. The award is passed accordingly.

Dated, the 5th August, 1985.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 622, dated 5th August, 1985.

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.